

## REMARKS

### ENTRY OF RESPONSE UNDER 37 C.F.R. §1.116:

Applicant(s) request(s) entry of this Rule 116 Response and Request for Reconsideration because:

- (a) the rejected claims have been canceled;
- (b) the cancellation of claims 1-8 were not earlier presented because the Applicant believed in good faith that the cited prior art did not disclose the present invention as previously claimed; and
- (c) the cancellation of claims 1-8 should not entail any further search by the Examiner since no new features are being added or no new issues are being raised.

The Manual of Patent Examining Procedures sets forth in §714.12 that "[a]ny amendment that would place the case either in condition for allowance or in better form for appeal may be entered." ( Underlining added for emphasis) Moreover, §714.13 sets forth that "[t]he Proposed Amendment should be given sufficient consideration to determine whether the claims are in condition for allowance and/or whether the issues on appeal are simplified." The Manual of Patent Examining Procedures further articulates that the reason for any non-entry should be explained expressly in the Advisory Action.

### ALLOWED CLAIMS

Claims 9-18 and 20-32 are allowed.

### CANCELLED CLAIMS

Claims 1-8 have been cancelled without prejudice or disclaimer. In accordance with the Advisory Action received from the USPTO by facsimile on February 10, 2004, since claims 1-8 have been cancelled, the application should be in form for allowance.

### CONCLUSION

In accordance with the foregoing, claims 1-8 have been cancelled without prejudice or disclaimer. Claims 9-18 and 20-32 are pending and under consideration.

There being no further outstanding objections or rejections, it is submitted that the

application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,  
STAAS & HALSEY LLP

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